

Philip C. Bourdette SBN 47492  
 Miriam Bourdette SBN 151980  
 BOURDETTE & PARTNERS  
 2924 West Main Street  
 Visalia, CA 93291  
 (559) 625-8425  
 Fax (559) 625-8491  
[pcbb@bourdettelaw.com](mailto:pcbb@bourdettelaw.com)  
[mrbb@bourdettelaw.com](mailto:mrbb@bourdettelaw.com)  
 Attorneys for Plaintiffs Carranza, Fernandez & Orozco

Wendy S. Dowse SBN 261224  
 Kaye Scholer LLP  
 1999 Avenue of the Stars, Suite 1600  
 Los Angeles, CA 90067  
 (310) 788-1142  
 FAX (310) 22913-1942  
[pyates@kayescholer.com](mailto:pyates@kayescholer.com)  
[wdowse@kayescholer.com](mailto:wdowse@kayescholer.com)  
 Attorneys for Defendants Wyeth LLC, et al

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ESTHER CARRANZA et al,  
 ALICE FERNANDEZ, et al.,  
 MARY OROZCO, et al.,

Plaintiffs,

vs.

Wyeth LLC, et al.,

Defendants.

No. 5:04-CV-04161-EJD  
 No. 5:10-CV-05924-EJD  
 No. 5:10-CV-05928-EJD

**STIPULATION, SUPPORTING  
 DECLARATION OF MIRIAM  
 BOURDETTE AND PROPOSED  
 ORDER TO CONTINUE SELECTED  
 PRETRIAL DATES**

1 IT IS HEREBY STIPULATED BY & BETWEEN ALL PARTIES THAT:

- 2 1. The pre-trial dates set in the Court's Scheduling Order dated July 6, 2011 be  
3 continued to the dates set forth below for the reasons stated in the declaration of  
4 Miriam Bourdette: Deadlines apply to all three cases unless otherwise noted.  
5

6 5/7/12: Fact Discovery Deadline

7 6/1/12: Exchange of Expert Disclosures & Reports

8 6/8/12: Last Day to File Consolidation and Bifurcation Motions

9 6/29/12: Exchange of Rebuttal Expert Disclosures & Reports

10 6/29/12: Joint Pretrial Conference Statement (*Fernandez and Orozco*)

11 7/6/12: Consolidation / Bifurcation Motion Hearing at 9:00 AM

12 7/6/12: Preliminary Pretrial Conference at 11:00 AM (*Fernandez and Orozco*)

13 6/29/12 Last day to file Joint Interim Case Management Conference Statement (*Carranza*)

14 7/6/12 Interim Case Management Conference (*Carranza*)

- 15 2. The following dates set in the July 11 Order will remain as ordered:

16 8/10/12: Expert Discovery Cut-off

17 8/31/12: Dispositive and *Daubert* Motions Filing deadline

18 9/21/12: Hearing on Anticipated Dispositive & *Daubert* Motions at 9:00 AM

19 10/19/12: Joint Pretrial Conference Statement (*Carranza*)

20 10/26/12: Final Pretrial Conference (*Carranza*)

21 11/5/12: Trial (*Carranza*)  
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Respectfully submitted,

DATED: March 14, 2012

BOURDETTE AND PARTNERS

By /s/ Miriam Bourdette  
Miriam Bourdette  
Attorneys for Plaintiff

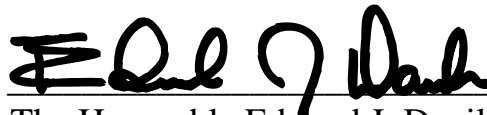
DATED: March 14, 2012

KAYE SCHOLER LLP

By: /s/ Wendy S. Dowse  
Wendy S. Dowse  
Attorneys for Defendants

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated: March 22, 2012

  
The Honorable Edward J. Davila  
United States District Court  
Northern District of California

**SUPPORTING DECLARATION OF MIRIAM BOURDETTE**

I, Miriam Bourdette, declare that:

1. I am a resident of the State of California, licensed to practice in all the Courts of California and admitted in the United States District Court Northern District of California. I am an attorney of record for Plaintiffs. If called as a witness I could and would testify truthfully as to the facts set forth below:

2. On December 9, 2011, Judge James R. Goodwin held an Initial Case Management Conference regarding 15 cases pending in United States District Court, Eastern District, Fresno Division. Judge Goodwin Chief Judge of the United States District Court West Virginia Southern District, had recently been assigned to replace Judge Oliver Wanger who had resigned from the Bench. On December 9<sup>th</sup> Judge Goodwin ordered 10-day, back-to-back trials in the 15 cases to begin July 30, 2012. The second trial starts August 13, 2012 and every other trial, approximately 10 days later. Judge Goodwin later modified that Order to allow time for the trial date previously set by this Court, November 5, 2012, for the Carranza case and if consolidated, Fernandez and Orozco cases. Judge Goodwin's Order regarding Stipulated Orders of Trial Dates and Amended Pretrial Scheduling Orders for Remand Group 1 and Remand Group 2 are attached hereto as Exhibits A, B, C & D and incorporated as though fully set forth herein.

3. Defendants and Plaintiffs have worked diligently to meet all the deadlines set forth in Judge Goodwin's and this Court's Scheduling Orders. At least 125 more Treating and Prescribing Doctors depositions, 17 more Plaintiffs Depositions, 15 Sales Rep depositions (assuming we can take their depositions regarding the doctors they visited in all cases at the same time) and 65 Expert depositions have yet to be scheduled in the Fresno and San Jose

1 cases. Scheduling has been very difficult as it involves availability of experts, doctors, parties'  
2 lawyers, doctor's lawyers. There still are billing records, medical records and physical  
3 evidence (mammography films and pathology slides) that have not been obtained, further  
4 complicating the scheduling. Without all billing and medical records and physical evidence it  
5 is near impossible to prepare plaintiffs properly for their depositions, to provide doctors (many  
6 of whom are retired or have purged their own files since the care was provided so many years  
7 ago) and their attorneys copies of the charts about which they are to be deposed, or experts with  
8 materials on which to make final reports. Neither defendants nor plaintiffs could foresee the  
9 difficulty in obtaining the records or the impact of Judge Goodwin's Orders on the discovery  
10 process in the three cases pending before this Court.  
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13 4. It is for these reasons that we stipulate to the continuances requested above and hope  
14 for relief as stated in the Stipulation.  
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16 I declare under penalty of perjury and under the laws of the State of California that the  
17 foregoing is true. Executed this 14<sup>th</sup> day of March, 2012.  
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20 /s/ Miriam Bourdette  
21 Miriam Bourdette  
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